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181600Z Aug 05

ACTION AF-00

INFO	LOG-00	AID-00	CA-00	CEA-01	CIAE-00	COME-00	CTME-00
	INL-00	DODE-00	ITCE-00	ANHR-00	EB-00	EXME-00	E-00
	UTED-00	VC-00	FRB-00	HHS-01	H-00	TEDE-00	INR-00
	IO-00	LAB-01	VCE-00	AC-00	DCP-00	NSAE-00	OES-00
	OIC-00	OMB-00	NIMA-00	EPAU-00	CAEX-00	PA-00	GIWI-00
	ACE-00	SGAC-00	SP-00	IRM-00	SSO-00	SS-00	STR-00
	TRSE-00	EVR-00	FMP-00	BBG-00	R-00	EPAE-00	IIP-00
	SCRS-00	PRM-00	DRL-00	G-00	SAS-00	SWCI-00	/003W

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E.O. 12958: N/A

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SUBJECT: BOTSWANA UPDATE ON CHILD LABOR

REF: STATE 143552

1. SUMMARY. No reliable data exists to demonstrate that child labor is a significant problem in Botswana, although some social workers and child welfare activists fear that it might not be uncommon. The Government of Botswana and ILO initiated projects in the year since August 2004 that will address this lack of information and lay the basis for a national plan of action on child labor. The GOB has established statutory limitations on child labor in line with ILO Convention 138 and is considering how to incorporate the provisions of Convention 182 into domestic law. Its policy of providing tuition-free education and financial support of NGOs that work with orphans and vulnerable children protect them from exploitative labor. Mission is working with the GOB to expand resources to fund such programs as the number of orphans and vulnerable children continues to rise in the wake of high HIV/AIDS mortality. END SUMMARY.

2. No reliable data exists to demonstrate that child labor is a significant problem in Botswana although some social workers and child welfare activists fear it might not be uncommon. During the year since August 2004, efforts were undertaken to begin to address this fundamental lack of information. Results of these surveys will not be available until early 2006. Contributing to this lack of data is a pervasive uncertainty, even among social workers, about what constitutes child labor. Because traditional family roles accord to children responsibility for contributing to the family welfare by performing chores around the house, in the fields, at the cattle post, some Botswana tend to dismiss child labor as a foreign and irrelevant concept. This has complicated the work of the few NGOs in Botswana who actively promote child rights.

3. Part XI of the Employment Act (Sections 103-111) prohibits the employment of children below the age of 14. The law allows children between the ages of 15 and 18 to do "light work," which is not defined in the law, if approved by the Commissioner of Labor. Such work cannot take place at night or involve the risk of harm to the child's health. According to the Department of Labor, however, employers have yet to make an application for such work.

4. Botswana's domestic law largely complies with the provisions of ILO Convention 138. While Botswana has ratified Convention 182, it has not yet amended its laws accordingly. It is, however, actively considering how best to accomplish that goal.

5. The Department of Labor is tasked with implementing labor laws. It conducts investigations of places of work, including private farms, which are suspected to be a likely locus of child labor in Botswana. To date, the Department of Labor's investigations have yet to turn up relevant violations of the Employment Act. If convicted, the perpetrator would be liable to a fine of up to P1500 (approximately USD 300) and/or six months in prison. The Department of Labor is reviewing the extant penalties for violating child labor laws to ensure that they pose a sufficient deterrent.

16. Although the Department of Labor has received no reports of child labor, Childline, a child-welfare NGO, received twelve such allegations in 2004 and another twelve in the first seven months of 2005. According to the Director of Childline, Pelonomi Letshwiti, the organization directs callers to its hotline to the nearest Social Welfare Officer to assist the complainant. Often callers fail to take their concerns to the Labor or Social Welfare Officers because they are skeptical of receiving assistance or do not understand the responsibilities of these officials.

17. The Government of Botswana, both on its own and in cooperation with international organizations, has taken steps to try to determine the magnitude of child labor in Botswana. Botswana's Central Statistics Office began deploying a labor force survey in mid-2005, the results of which are expected by the end of the year. This survey includes a new component addressing child labor. ILO/Pretoria, through the USDOL-funded Toward the Elimination of the Worst Forms of Child Labor (TECL) program, has engaged the Government and civil society in an effort to identify and learn more about the aspects of the worst forms of child labor most likely to be a problem in Botswana. The Government has participated actively in the Project Advisory Committee for this program.

18. Lacking concrete data about the occurrence and nature of child labor in Botswana, the Government has made no direct interventions to prevent child labor or to withdraw children from such circumstances. It has supported NGOs whose work with orphans and street kids helps keep vulnerable children out of exploitative labor. Botswana's Department of Social Services granted P2.6 million (approximately USD 500,000) to organizations doing such work in both 2004 and 2005. Although education was not compulsory, there were no tuition fees for attending primary or secondary school. Children of parents registered as destitutes and/or Remote Area Dwellers qualified to receive school uniforms, books, and meals free of charge.

19. The Department of Labor hopes that the findings of the TECL surveys will lay the foundation for the content of a national plan of action on child labor. The Ministry of Local Government, however, has drafted a National Action Plan on Children, which includes a component on child labor. This section of the Plan outlines activities designed to raise awareness, establish a monitoring and evaluation system, and regularly collect data on this issue. The Ministry had not finalized the Plan by August 2005 but expected to do so by year-end, so as to implement it in 2006.

COMMENT

10. According to the 2001 census, there are upwards of 112,000 orphans in Botswana. The number of orphans will continue to grow due to HIV/AIDS-related mortality. Although the GOB, with the assistance of international donors, has extended ARV treatment to 45,000 HIV+ persons, another 70,000 need to be enrolled. As access to these life-extending drugs expands, growth of the orphan population will slow. Through the President's Emergency Plan for AIDS Relief (PEPFAR) and the Office of Defense Cooperation's humanitarian assistance programs, Mission is giving the GOB increased resources to care for orphans and vulnerable children.

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